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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,940	12/31/2001	Jacob Obrik	1076.41061X00	7151

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,940

Applicant(s)

OLRIK. ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehikoinen et al. in view of Cedervall et al..

Regarding claims 1,10,11-13, Lehikoinen et al. discloses a method/mobile station of providing a location information service to mobile stations in a cellular telecommunications network (fig. 7), comprising sending a request for location information from a mobile station as a short message (SMS) message through the network to a location message server (SMS server) (col. 7 lines 25-60), deriving from a data store location information based on the cell occupied by at least one mobile station (col. 6 line 41 through col.7 line 23 and col. 7 lines 25-60), and sending the data through the network from the location message server (SMS server) as a

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message to the mobile station that requested the information (col. 7 lines 25-60). Lehtikoinen et al. differs from claims 1, 12 and 13 of the present invention in that it does not explicitly disclose the method/mobile station being performed/provision being made without pre-registering the mobile station for the location information service. Cedervall et al. teaches a wireless unit that does not have to send its identity (i.e. registration information) to the network to receive location information services (abstract and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lehtikoinen et al. with the method/mobile station being performed/provision being made without pre-registering the mobile station for the location information service in order to mobile station to secure its identity from the train station so that the mobile station would not receive unwanted promotional information, as taught by Cedervall et al..

Regarding claim 2, Lehtikoinen et al. discloses the request from the mobile station is for information concerning its own location (col. 7 lines 25-60), and the method includes sending the retrieved data to the mobile station that made the request (col. 7 lines 25-60).

Regarding claim 8, Lehtikoinen et al. discloses a cellular telecommunications network with a location information service (fig. 1), comprising a location server (HLR) having an associated data store of data concerning location information associated with individual cells of the network (fig. 1), the server being responsive to a request for location information from a mobile station sent as a message through the network and operable to derive from the data store location information based on the cell occupied by at least one mobile station (col. 6 line 41 through col.7 line 23 and col. 7 lines 25-60), the network being configured to send the data as a message to the mobile station that requested the information (col. 6 line 41 through col.7 line 23 and col. 7 lines 25-60). Lehtikoinen et al. differs from claim 8 of the present invention in that it does not explicitly disclose without pre-registering the mobile station for the location information service. Cedervall et al. teaches a wireless unit that does not have to send its identity (i.e. registration information) to the network to receive location information services (abstract and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lehtikoinen et al. with without pre-registering the mobile

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station for the location information service in order to the network to secure the mobile station identity from the train station so that the mobile station would not receive unwanted promotional information, as taught by Cedervall et al..

Regarding claim 9, Lehtikoinen et al. discloses a SMS message centre to receive location request messages from the mobile stations, send the requests to the server and receive retrieved data from the server to be sent as an SMS to a mobile station (col. 7 lines 25-60).

Regarding claims 14 and 15, Lehtikoinen et al. discloses a display operable to display messages (claim 6 or col. 9 lines 33-35), and circuitry operable to send and receive messages (fig. 4).

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtikoinen et al. in view of Cedervall et al. as applied to claim 1 above and in further view of Thomas.

Regarding claims 3-5, the combination of Lehtikoinen et al. and Cedervall et al. differs from claims 3-5 of the present invention in that they do not disclose the request from the mobile station is for data concerning the location of another mobile station, and the method includes retrieving location data from the data store based on the cell occupied by the other mobile station, and sending the retrieved data concerning the other mobile station to the mobile station that made the request and checking whether the other mobile station permits data concerning its location to be sent to others. Thomas teaches a system for location and tracking wherein the request from the mobile station is for data concerning the location of another mobile station (abstract and paragraph 0041 through paragraph

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0049), the method includes retrieving location data from the data store based on the cell (location) occupied by the other mobile station (abstract and paragraph 0041 through paragraph 0049), and sending the retrieved data concerning the other mobile station to the mobile station that made the request and checking whether the other mobile station permits data concerning its location to be sent to others (abstract and paragraph 0041 through paragraph 0049). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lehtikainen et al. and Cedervall et al. with the request from the mobile station is for data concerning the location of another mobile station, and the method includes retrieving location data from the data store based on the cell occupied by the other mobile station, and sending the retrieved data concerning the other mobile station to the mobile station that made the request and checking whether the other mobile station permits data concerning its location to be sent to others in order for the mobile station to look up friends that may be located in its area, receive a text message from the SMS server on its friends location and determine if its friends would like for their location to be sent to the mobile station, as taught by Thomas.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtikainen et al. in view of Cedervall et al. as applied to claim 1 above and in further view of Petty et al..

Regarding claims 6 and 7, the combination of Lehtikainen et al. and Cedervall et al. differs from claims 6 and 7 of the present invention in that they do not disclose the re-directing the message from the mobile station that requested the information, to another mobile station, displaying the message at the mobile station that requested the information, modifying the message and then re-directing the modified message to another mobile station. Petty et al. teaches a subscriber (telephone or cellular telephone) (paragraph 0053), that redirects a message to another phone (paragraph 0005), and displaying an internet message (i.e. a internet message, is known in the computer/wireless phone art for editing or modifying text messages) (paragraph 0005), or redirecting the message (paragraph 0005). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lehtikainen et al. and Cedervall et al.

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with the re-directing the message from the mobile station that requested the information, to another mobile station, displaying the message at the mobile station that requested the information, modifying the message and then re-directing the modified message to another mobile station in order for the mobile station to request its location and then send its location to a nearby friend so the two could meet at the mobile station location, as taught by Petty et al..

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (U.S. Patent 2002/0042277) discloses a subscriber information service center. Randall et al. (U.S. Patent 2004/0249846) discloses a database for use with a wireless information device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson

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March 31, 2005

